IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.74412-M of 2006
Date of Decision:- 05.02.2007

Hate Singh ....Petitioner(s)

through
Mr.Jagmohan Ghuman, Advocate

vs.

Director General of Police,
Prisons, Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing sentence under the N.D.P.S.Act, 1985, impugns the order dated 13.9.2006 passed by the Director General of Prisons, Haryana, denying him parole for house repair on the ground that as per the report of the District Magistrate, Mandsaur (Madhya Pradesh), the petitioner was found involved in the nefarious activities of smuggling of drugs.

Somewhat similar stand has been taken in the written statement filed in Court which is taken on record. Along with the written statement, the report of the District Magistrate, Mandsaur has also been appended as Annexure R-1.

It is true that if a prisoner, by misusing the concession of parole/furlough etc. indulges in illegal and unlawful activities, it shall amount to breach of public order and the Authorities would be justified in not granting parole etc. to such a prisoner.

In the present case, however, the report of the District Magistrate is totally vague and wild. It is not the case of the respondents

that the petitioner was earlier released on parole/furlough and was found indulging in smuggling of narcotics during the said period. It is also not their case that the petitioner is involved in any other such like cases. The apprehension expressed by the District Magistrate, thus, is not supported by any material on record.

Consequently and for the reasons afore-stated, this petition is allowed to the extent that the impugned order dated 13.9.2006 is quashed and the Director General of Prisons, Haryana is directed to reconsider the petitioner's case after obtaining a self-explanatory report from the District Magistrate, Mandsaur with regard to past antecedents of the petitioner. The needful shall be done within a period of two months from the date of receipt of certified copy of this order.

February 05, 2007 **(SURYA KANT)**
poonam **JUDGE**